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Letter dated 28 December 2007 from the Chairman of the Security Council Committee established pursuant to resolution 1521 (2003) concerning Liberia addressed to the President of the Security Council

I have the honour to transmit herewith the report of the Security Council Committee established pursuant to resolution 1521 (2003) concerning Liberia (see annex), which covers the Committee's activities during the period 1 January to 31 December 2007. The report is submitted in accordance with the note by the President of the Security Council dated 29 March 1995 (S/1995/234).

(*Signed*) Nassir Abdulaziz **al-Nasser**
Chairman
Security Council Committee established pursuant
to resolution 1521 (2003)

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Annex

Report of the Security Council Committee established pursuant to resolution 1521 (2003) concerning Liberia

I. Introduction

1. The present report of the Security Council Committee established pursuant to resolution 1521 (2003) concerning Liberia covers the period from 1 January to 31 December 2007. The web page of the Committee is available at www.un.org/sc/committees/1521/index.shtml.

2. For 2007, the Bureau consisted of Nassir Abdulaziz al-Nasser (Qatar) as Chairman, with the delegations of Indonesia and South Africa providing the Vice-Chairmen. During the reporting period, the Committee held nine informal consultations.

II. Background information

3. Previous sanctions regimes concerning Liberia were imposed by the Security Council by its resolutions 788 (1992) and 1343 (2001), respectively. In its resolution 1521 (2003), the Security Council decided to revise the legal basis of the sanctions to reflect the changed circumstances in Liberia, in particular the departure of former President Charles Taylor, the formation of the National Transitional Government of Liberia and progress with the peace process in Sierra Leone. Under resolution 1521 (2003), the Council dissolved the Committee established pursuant to resolution 1343 (2001) and established a new Committee to oversee the implementation of the measures as modified and reimposed by the same resolution: an arms embargo, restrictions on the travel of individuals designated by the Committee on the basis of the criteria contained in the resolution, and prohibitions on the import of rough diamonds and round logs and timber products originating in Liberia. Resolution 1521 (2003) also established a Panel of Experts consisting of up to five members, to provide the Committee with information regarding the implementation of the measures and progress made towards meeting the conditions for the lifting of sanctions. On 16 March 2004, the Committee issued a new travel-ban list, containing the names of individuals subject to travel restrictions imposed by paragraph 4 of resolution 1521 (2003).

4. By paragraph 1 of resolution 1532 (2004), the Security Council decided that, in order to prevent former Liberian President Charles Taylor, his immediate family members, senior officials of the former Taylor regime, or other close allies or associates designated by the Committee from using misappropriated funds and property to interfere in the restoration of peace and stability in Liberia and the subregion, all States would freeze without delay funds, other financial assets and economic resources owned or controlled directly or indirectly by Charles Taylor, Jewel Howard Taylor, Charles Taylor, Jr., and/or those other individuals designated by the Committee. On 14 June 2004, the Committee issued its initial list of individuals and entities subject to the measures contained in paragraph 1 of resolution 1532 (2004) (the assets-freeze list). By paragraph 5 of resolution 1532 (2004), the Security Council further decided that it would review the measures

imposed by paragraph 1 of the same resolution at least once a year; however, no expiration date for these particular measures was provided in the resolution.

5. A summary of the imposition and extension of the various sanctions measures (excluding the assets freeze) together with the mandates of the Panel of Experts is contained in the table below:

Security Council resolution number and date	*Arms embargo and travel ban extended for*	*Diamond sanctions extended for*	*Timber sanctions extended for*	*Panel of Experts established/ extended for*	*Document symbol of Panel's report*
Resolution 1521 (2003) 22 December 2003	12 months	12 months	12 months	5 months	S/2004/396 and Corr.1 and 2
Resolution 1549 (2004) 17 June 2004	n/a	n/a	n/a	6 months	S/2004/752 S/2004/955
Resolution 1579 (2004) 21 December 2004	12 months	6 months	12 months	6 months	S/2005/176 S/2005/360
Resolution 1607 (2005) 21 June 2005	n/a	6 months	n/a	6 months	S/2005/745
Resolution 1647 (2005) 20 December 2005	12 months	6 months	6 months	6 months	S/2006/379
Resolution 1689 (2006) 20 June 2006	n/a	6 months	n/a (not removed)	6 months	S/2006/976
Resolution 1731 (2006) 20 December 2006	12 months	6 months	n/a	6 months	S/2007/340
Resolution 1753 (2007) 27 April 2007	n/a	n/a (terminated)	n/a	n/a	n/a
Resolution 1760 (2007) 20 June 2007	n/a	n/a	n/a	6 months	S/2007/689
Resolution 1792 (2007)	12 months	n/a	n/a	6 months	

6. Notably, by its resolution 1683 (2006), the Security Council, welcoming the leadership of then newly elected President Ellen Johnson-Sirleaf and her efforts to restore peace, security and harmony throughout Liberia, modified the arms embargo to incorporate additional exemptions for the Liberian Special Security Service and, subject to advance approval by the Committee, for members of the Liberian police and security forces who have been vetted and trained since the inception of the United Nations Mission in Liberia (UNMIL) in October 2003.

7. By its resolution 1688 (2006), the Security Council decided that the travel restrictions imposed by resolution 1521 (2003) would not apply to former President Taylor for the purposes of any travel related to his trial before the Special Court for Sierra Leone, as well as any travel related to the execution of the judgment, and also to exempt from the travel ban the travel of any witnesses whose presence at the trial was required.

8. By its resolution 1689 (2006), the Council, concluding that sufficient progress had been made in meeting the conditions set out for terminating the measures on timber, decided not to renew the prohibitions on the import of round logs and timber products from Liberia; however, it also decided to review that decision after a period of 90 days and expressed its determination to reinstate the measures, unless forestry legislation as specified in the resolution had been passed. During the review, held on 20 October, the members of the Council concluded that there was no basis for reinstating those measures as otherwise stipulated in the resolution (see SC/8856).

9. By its resolution 1731 (2006), the Council, recognizing the need for newly vetted and trained Liberian security forces to assume greater responsibility for national security, and taking note of the need for Liberian armed forces to procure humanitarian, medical and/or training equipment, further modified the arms embargo to exclude supplies of non-lethal military equipment.

10. During the period under review, by its resolution 1753 (2007), the Council, concluding that sufficient progress had been made in meeting the conditions set out for terminating the measures on diamonds, decided to terminate those measures, almost two months ahead of their date of expiration as set by resolution 1689 (2006); however, it also decided to review the termination after consideration of the report of the Panel of Experts, as requested in paragraph 4 (d) of resolution 1731 (2006), and of the report of the Kimberley Process as encouraged in paragraph 2 of resolution 1753 (2007), with a particular focus on the compliance of Liberia with the Kimberley Process Certification Scheme. In a letter dated 3 May 2007, the Chairman of the Kimberley Process informed the Committee that Liberia was admitted to the Kimberley Process as of 4 May 2007.

11. The Committee considered the report of the Panel of Experts (S/2007/340) on 6 June 2007, and the Vice-Chairman briefed the Council on the discussion on 13 June, as part of the Council's review of the sanctions regime. He stated that a comprehensive review of the termination of the diamond sanctions would depend on the next report of the Kimberley Process. By a letter dated 14 September 2007 (S/2007/547) addressed to the President of the Council, the Chairman transmitted, for the information of members of the Council, two letters addressed to the latter by the Chairman of the Kimberley Process Certification Scheme, dated 7 May and 23 July 2007, respectively, which together constituted the report of the Kimberley Process as encouraged by the Council in paragraph 2 of resolution 1753 (2007).

12. By its resolution 1760 (2007), the Council requested the Secretary-General to establish a Panel of Experts consisting of up to three members, to provide the Committee with information regarding the implementation of the remaining measures (arms embargo, travel ban and assets freeze) and to assess the implementation of Liberia's forestry legislation of 2006 and compliance with the Kimberley Process Certification Scheme. The Council later extended the mandate of the Panel by resolution 1792 (2007) until 20 June 2008.

13. By its resolution 1792 (2007), the Council also decided that States would notify the Committee upon delivery of all arms and related materiel approved and supplied, in accordance with paragraph 2 (e) of resolution 1521 (2003).

14. In light of the adoption by the Security Council of resolution 1730 (2006), outlining the delisting procedure, the Committee, on 12 June 2007, adopted a

comprehensive set of guidelines for the conduct of its work, in compliance with that resolution. In this connection, in addition to incorporating the delisting procedure into its guidelines, the Committee also revised and consolidated its three separate ad hoc procedures relating to the updating and maintenance of the travel-ban list, the handling of requests for exceptions to the travel restrictions, and the application of the assets freeze; took into account the exemption from the travel restrictions provided under resolution 1688 (2006); and incorporated the existing procedures for the consideration of requests for exceptions to the arms embargo submitted under resolution 1683 (2006). The guidelines are available on the Committee web page.

III. Summary of the activities of the Committee

A. Requests for exceptions to the measures

15. During the reporting period, the Committee considered and approved one request, in accordance with paragraph 2 (e) of resolution 1521 (2003), for an exception to the arms embargo to enable the United States Government to ship arms and training materials for support of and use in a United States Government training programme for the Liberian armed forces (communication dated 14 March 2007 from the Chargé d'affaires a.i. of the United States Mission to the United Nations).

16. The Committee considered and approved three requests, in accordance with paragraphs 2 and 3 of resolution 1683 (2006), for exceptions to the arms embargo to: (a) enable the Government of China to donate and export weapons and equipment to Liberia for use by Chinese-trained Special Security Services personnel (communications dated 28 February and 7 May 2007 from the Special Representative of the Secretary-General for Liberia, transmitting a request and additional information from the Minister for Foreign Affairs of Liberia; and communication dated 16 March 2007 from the Permanent Representative of the People's Republic of China to the United Nations); (b) allow the United States Government to transfer ammunition that was originally provided to the Special Security Services under paragraph 2 (e) of resolution 1521 (2003) to the Liberian National Police (communication dated 17 May 2007 from the Permanent Representative of Liberia to the United Nations; and communication dated 17 May 2007 from the United States Mission to the United Nations); and (c) allow the United States Government to ship weapons and ammunition to Liberia to train and equip approximately 100 Special Security Services officers during the February to September 2008 time frame (communication dated 20 November 2007 from the United States Mission to the United Nations; and communication dated 7 December 2007 from the Permanent Representative of Liberia to the United Nations). In each case, in accordance with resolution 1683 (2006), the request for exception was submitted by both the Government of Liberia and the Government of the exporting State.

17. In accordance with paragraph 4 of resolution 1683 (2006), the Committee received regular reports (dated 1 November 2006 and 1 March, 2 May, 13 July and 1 October 2007) from UNMIL on its findings with respect to the inspections of inventories of weapons and ammunition obtained in accordance with paragraphs 1 and 2 of the resolution, to ensure that all such weapons and ammunition were accounted for.

18. The Committee also, on three occasions, decided that items proposed for export to Liberia did not fall under the scope of the arms embargo and therefore did not require the Committee's prior approval. By a communication dated 2 May 2007, the Special Representative of the Secretary-General for Liberia conveyed a request from the Government of Liberia for an exception to the arms embargo to permit the import of fireworks from China, details of which were provided through the Ambassador of China to Liberia, for use in the 26 July holiday celebrations. On the basis of the details provided and confirmation from UNMIL that the fireworks would not pose any security threat, the Committee decided that such fireworks did not fall under the scope of the arms embargo and therefore did not require prior approval for export to Liberia.

19. Similarly, in two separate letters dated 21 July and 31 October 2007, respectively, the Special Representative of the Secretary-General for Liberia conveyed requests from the Government of Liberia for exceptions to the arms embargo to permit the import of explosive materials to facilitate the repair and rehabilitation of Liberia's roads. In both cases, after receiving further technical information regarding the composition of the explosives, the Committee decided that the particular explosives in question did not fall under the scope of the arms embargo and therefore did not require prior approval for export to Liberia.

20. During the period under review, the Committee considered and approved one request, in accordance with paragraph 2 (f) of resolution 1521 (2003), for an exception to the arms embargo to allow the shipment to Liberia of non-lethal military equipment, for use in drilling boreholes to provide water in outlying villages. The request was submitted by the Permanent Mission of the United Kingdom of Great Britain and Northern Ireland, in a letter dated 30 May 2007.

21. The Committee considered nine requests for travel-ban waivers under paragraph 4 (c) of resolution 1521 (2003), of which three were granted. One of the requests, to which the Committee did not accede, was subsequently reconsidered, at the request of the listed individual, with the same outcome as before. In light of the adoption of resolution 1688 (2006), which exempted from the travel ban any witnesses whose presence would be required at the trial of former Liberian President Charles Taylor by the Special Court for Sierra Leone, the Committee sought, and received, the Special Court's agreement on how the Court would submit written notifications concerning the travel of those individuals. The notification procedure was agreed upon through an exchange of letters, dated 22 and 30 June 2007, respectively, between the Chairman of the Committee and the Acting Registrar of the Special Court.

22. The Committee was not in a position to consider a request submitted on behalf of a listed individual, who had earlier been granted a travel-ban waiver, for an exception to the assets freeze under paragraph 2 (a) of resolution 1532 (2004) in order to allow that individual to cover costs associated with his travel, on the grounds that the relevant State had not determined that the funds in question had to be unfrozen for payment of basic expenses in accordance with paragraph 2 (a), nor had it notified the Committee of its intention to authorize access to such funds.

23. The Committee received and approved two notifications, dated 4 April and 17 August 2007, respectively, from the Permanent Mission of Italy regarding the intention of the Italian Government to authorize access to hitherto frozen funds in

accordance with the exception set out in paragraph 2 (b) of resolution 1532 (2004), in order to cover certain expenses of an entity included on the assets-freeze list.

B. Review of the travel-ban and assets-freeze lists

24. During the reporting period, in accordance with past practice and procedure, the Committee held one periodic review of the travel-ban and assets-freeze lists, in April 2007, at which time it considered four delisting requests. One of these requests was submitted directly to the secretariat of the Committee at United Nations Headquarters; as in the past, the request was considered on the grounds that it had been submitted to "the nearest United Nations office" in the sense of the then Committee procedures. Another request was submitted by a non-governmental organization on behalf of the listed individual.

25. Following the adoption of a consolidated and revised set of guidelines by the Committee for the conduct of its work, on 12 June 2007, which incorporated the delisting procedure as per Security Council resolution 1730 (2006), the Committee considered, for the first time, a delisting request received from the focal point for delisting in connection with Ms. Grace Minor, on 9 October 2007. The Committee agreed to remove Ms. Minor from its travel-ban and assets-freeze lists on 28 November 2007 (see SC/9183).

26. In accordance with paragraph 6 (b) of the annex to resolution 1730 (2006), the Committee did not consider two delisting requests received from the focal point since the designating State did not support that request.

C. Implementation of the sanctions regimes

27. During the period under review, the Committee received no additional replies from States in response to its note verbale dated 20 January 2004; thus, the total number of replies received remains 17. Pursuant to paragraph 21 (b) of resolution 1521 (2003), the note verbale sought information from all States, particularly those in the subregion, about the actions they had taken to effectively implement paragraphs 2 (relating to the arms embargo), 4 (relating to the travel ban), 6 (relating to the diamond sanctions), and 10 (relating to the timber sanctions) of that resolution. (As noted above, the measures concerning timber were allowed to expire on 20 June 2006; the measures concerning diamonds were terminated on 27 April 2007.)

28. In its final report under resolution 1760 (2007), the Panel of Experts stated that, during the period of its mandate, it had not found any evidence of significant unauthorized transfers of weapons, ammunition or related material, or of non-approved provisions of military training to Liberia (see S/2007/689, para. 106). With respect to the travel ban, the Panel informed the Committee that authorities in the West Africa subregion had stressed the need for capacity-building for immigration officials who were in the front lines and played a role in identifying individuals at border crossings (see S/2007/689, para. 169).

29. The Committee received no additional replies from States in response to its note verbale of 14 June 2004; thus the total number of replies received remains 15. Pursuant to paragraph 4 (d) of resolution 1532 (2004), the note verbale sought information from all States regarding the actions they had taken to trace and freeze the funds, other financial assets and economic resources described in that resolution.

30. In its final report under resolution 1760 (2007), the Panel of Experts noted that the Government of Liberia had not made any progress towards the freezing of the assets of any individual or entity designated pursuant to resolution 1532 (2004) (see S/2007/689, para. 170). The Panel of Experts also reported that the Government of the Netherlands had frozen €1,487,785.90 and 30 items (not yet valued) of an individual inscribed on the assets-freeze list (see S/2007/689, para. 171).

31. By a letter dated 11 July 2007, the Permanent Representative of Nigeria informed the Committee that his country was taking all measures necessary to comply with resolutions 1521 (2003), 1532 (2004) and 1760 (2007). In connection with the last resolution, which established, for a period of six months, a Panel of Experts, the representative of Nigeria stated that his Government welcomed a visit to Nigeria by the experts to conduct their investigations, as requested earlier. The Panel visited Nigeria from 22 October to 30 October, where the Nigerian authorities informed the Panel that they were unable to find conclusive evidence of any funds, economic assets or investments made by former President Charles Taylor in Nigeria (see S/2007/689, paras. 174-178).

32. On 11 May 2007, in reply to a letter dated 18 April 2007 received from the Prosecutor of the Special Court for Sierra Leone, containing requests for information with respect to the application of the assets freeze, the Chairman wrote to the Prosecutor and provided the latter with some details and relevant excerpts from the reports of the Panel of Experts.

D. Other activities

33. During informal consultations on 16 February 2007, the Committee discussed the programme of work of the Panel of Experts, which the Council re-established by its resolution 1731 (2006). The Committee also heard, in accordance with paragraph 4 (d) of the same resolution, an informal update from the experts. At those same informal consultations, the Committee briefly discussed the issue of potential cooperation with Interpol pursuant to resolution 1699 (2006) and the subsequent exchange of letters between the Secretaries-General of the United Nations and Interpol.

34. During informal consultations on 13 April 2007, the Committee heard a briefing by a representative of the Kimberley Process secretariat, who led the Kimberley Process Certification Scheme mission to Liberia from 6 to 9 March 2007. That was the third time that the Kimberley Process had briefed the Committee. At those same informal consultations, the Committee considered the interim report of the Panel of Experts, submitted in accordance with paragraph 4 (d) of resolution 1731 (2006), on the diamond sector in Liberia. Following up on the discussion held on 16 February regarding potential cooperation with Interpol, members of the Committee also agreed to invite a representative of Interpol to brief the Committee at its next meeting.

35. On 18 April, pursuant to Security Council resolution 1731 (2006), by which the Council extended the prohibition against the import of rough diamonds from Liberia for a further period of six months, but also decided to review the diamond sanctions after four months, the Chairman briefed the Council on the activity and progress in the diamond sector in Liberia.

36. During informal consultations on 3 May 2007, the Committee members heard a briefing by and interacted with the Special Representative of Interpol to the United Nations on the subject of possible cooperation between the Committee and Interpol.

The Committee also discussed, and subsequently responded to, a letter dated 18 April 2007 from the Prosecutor of the Special Court for Sierra Leone, in which the Prosecutor sought information on the implementation of the assets freeze imposed by resolution 1532 (2004).

37. During informal consultations on 18 May 2007, the Committee heard a briefing by the Permanent Representative of Liberia to the United Nations, who had written to the Committee on 27 April seeking an opportunity to brief the Committee on some issues related to the travel ban and assets freeze component of the sanctions. At those same consultations the Committee considered draft comprehensive guidelines for the conduct of its work.

38. During informal consultations on 6 June 2007, the Committee considered the final report of the Panel of Experts under the mandate accorded to it by resolution 1731 (2006) (S/2007/340). The Committee also considered, once again, draft comprehensive guidelines for the conduct of its work; these were subsequently adopted on 12 June 2007. On 13 June, as part of the Council's sanctions review, the Vice-Chairman made a statement to the Council summarizing the Committee's activities and the Panel's presentation on its final report.

39. During informal consultations on 17 August 2007, the Committee discussed the programme of work of the Panel of Experts established pursuant to resolution 1760 (2007) with the experts. At informal consultations on 9 October, the Committee considered a delisting request received from the focal point for delisting, in accordance with the delisting procedure outlined in resolution 1730 (2006) and as incorporated into its guidelines.

40. At informal consultations on 5 and 12 December 2007, the Committee heard briefings from the Panel of Experts on its final report submitted pursuant to resolution 1760 (2007) (S/2007/689). On 14 December, as part of the Council's sanctions review, the Chairman briefed the Security Council on the main findings contained in the report and on the Committee's discussion of the report and its recommendations.

IV. Observations

41. Liberia continues to see important, positive developments. On 27 April 2007, the Security Council terminated the diamond sanctions. On 4 May, Liberia was admitted to membership in the Kimberley Process. Also with timber sanctions having been lifted in June 2006, Liberia's progress in these sectors demonstrate that Council decisions on Liberia continue to evolve to closely match progress on the ground, and have helped to spur further progress. Progress in the reform of the Liberian security sector, albeit gradual, continues; yet it is important that the Committee remain vigilant and liaise closely with UNMIL in monitoring developments in this regard.

42. The Committee has been working consistently to keep the travel-ban and assets-freeze lists up to date with the most recent information, including the delisting of one individual. Keeping the sanctions lists updated, including through listings and delistings, sends a key message to Liberia and the international community that the Committee is willing to revise its lists in the light of new developments.